IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8663 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PALAK BIPINKUMAR SHAH

Versus

STATE OF GUJARAT

Appearance:

MR BS PATEL for Petitioner

MR AD OZA for Respondent No. 1

MR Mukesh Patel, AGP for respondent no.2

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 18/08/2000

ORAL JUDGEMENT

#. I have heard Mr. B.S.Patel learned counsel for the petitioner, Mr. A.D.Oza learned counsel for Gujarat Higher Secondary Education Board and Mr. Mukesh Patel learned AGP for the District Education Officer, Baroda.

#. This petition is filed by Ms. Palak Bipinkumar Shah for a direction on the respondent for correction of her date of birth as 18.7.1980 instead of 18.6.1980. It is submitted by the learned counsel on behalf of the petitioner that by mistake the date of birth of the petitioner was recorded as 18.6.1980 at the time of taking admission in the school and recently the aforesaid mistake has come to the knowledge of the petitioner. According to the Birth Registration Certificate, the date of birth of the petitioner is 18.7.1980. However, date of birth has been erroneously recorded at the time of admission of the petitioner in the school continued till she passed her Secondary and Higher Secondary Examination. It appears that there is a difference of only one month in the actual date of birth and the date of birth recorded in the School as well as the Higher Secondary Education Board, Government of Gujarat. It is submitted by the learned counsel on behalf of the petitioner that the petitioner has applied for passport and in all other records the date of birth of the petitioner will be recorded as 18.7.1980 on the basis of the Birth Registration Certificate. Learned counsel on behalf of the petitioner accordingly submitted that unless the date of birth erroneously recorded in the school is corrected, there will be two dates of birth of the petitioner viz. one, according to the Birth Registration Certificate and the other as recorded in the School Leaving Certificate. The learned counsel on behalf of the petitioner submitted that if two dates of birth are allowed to be continued, the future of the petitioner will be jeopardised because of the inconsistencies in the date of birth in two different certificates.

#. It is true that the date of birth recorded in the School Leaving Certificate is generally accepted as the correct date of birth of any person. But in the instant case it appears that the Birth Registration Certificate which is also treated as genuine date of birth Certificate reflects the date of birth of the petitioner as 18.7.1980. So after going through the papers and after hearing the learned counsel on behalf of the parties, I am of the view that a genuine mistake has taken place in recording the date of birth of the petitioner at the time of admission of the petitioner in the school. Therefore, it is necessary to correct the date of birth of the petitioner in consonance with the date of birth recorded in the Birth Registration Certificate.

Accordingly the petitioner is directed to apply to the District Education Officer, Baroda the respondent no.2 who will make necessary inquiries and thereafter pass appropriate orders directing the Principal, Bright English Medium School, Karelibaug, Baroda-18 for recording the correct date of birth of the petitioner as per the order of the District Education Officer,Baroda and the Principal, Bright English Medium School, Baroda to carry out the correction in the date of birth of the petitioner in the school records and thereafter the Principal,Bright English Medium School, Baroda may take up the matter with the Gujarat Higher Secondary Education Board, Baroda for making necessary correction of the date of birth of the petitioner in the school leaving certificate of the petitioner in accordance with the order passed by the District Education Officer. The petitioner is directed to pay an amount of Rs.5000/to the Gujarat Higher Secondary Education Board , Baroda within 15 days from today.

This order is passed as a special case and having regard to the peculiar facts and circumstances of this case and this will not be a precedent in other cases. With the above observations and directions the SCA is disposed of. Notice discharged.

(P.K.Sarkar.J)

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